IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

UTICA MUTUAL INSURANCE COMPANY,

Plaintiff. No. 6:13-CV-1178 (GLS/TWD)

v.

CLEARWATER INSURANCE COMPANY,

Defendant.

UTICA'S NOTICE OF MOTION IN LIMINE NO. 3: **EXPERT TESTIMONY OF JOHN COLE**

As set forth in the accompanying brief, Utica moves this Court for an order prohibiting Clearwater's expert witness, John Cole, from testifying.

Dated: May 24, 2021

/s/ Syed S. Ahmad

Syed S. Ahmad (N.D.N.Y. Bar No. 602911) HUNTON ANDREWS KURTH LLP 2200 Pennsylvania Avenue, NW Washington, DC 20037 (202) 955-1500

Fax: (202) 862-3619 sahmad@HuntonAK.com

Daniel R. Thies (Pro Hac Vice) WEBBER & THIES PC

202 Lincoln Square Urbana, IL 61803 (217) 365-5327

Fax: (271) 367-3752

danielthies@webberthies.com

Thomas D. Cunningham (pro hac vice)

SIDLEY AUSTIN LLP One South Dearborn Street Chicago, IL 60603

(312) 853-7000

Fax: (313) 853-7036

tcunningham@sidley.com

Phillip G. Steck

COOPER ERVING & SAVAGE LLP

39 North Pearl Street Albany, NY 12207 (518) 449-3900 Fax: (518) 432-3111

psteck@coopererving.com

Counsel for Utica Mutual Insurance Company

CERTIFICATE OF SERVICE

I certify that on May 24, 2021, the foregoing was served on counsel of record by ECF.

By: /s/ Syed S. Ahmad
Syed S. Ahmad
HUNTON ANDREWS KURTH LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
(202) 955-1500
Fax: (202) 862-3619

sahmad@HuntonAK.com

Counsel for Utica Mutual Insurance Company